

AMENDMENT AND RESPONSE TO OFFICE ACTION AND PETITION FOR EXTENSION OF TIME
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REMARKS

This Amendment and Response amends claims 1, 2, 8-13, 15-24, 27, 28, 30-32, 36, 37, 41, 42, 44, and 46. With this Amendment and Response, claims 1-47 are pending in this application. No fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account 11-0855.

I. Interview Summary

Applicants would like to thank Examiners Parsley and Swiatek (hereinafter "Examiners") for the courtesies extended during a personal interview conducted on May 10, 2005 to discuss the application, the December 17, 2004 Office action, and U.S. Patent No. 4,791,705 to Corominas. Claim 1, the only pending independent claim, and its 35 U.S.C. § 102 rejection in light of Corominas was the primary focus of discussion.

Prior to the interview, Applicants had submitted to the Examiners an informal draft of proposed claim amendments. In that draft, Applicants proposed amending claim 1, *inter alia*, to recite a discharge device that can assume an "active discharging position" and an "inactive discharging position" and that, when in its active discharging position, is located at least partially within the space that accommodates the products. Applicants argued, and the Examiners agreed, that Corominas fails to teach a discharge device that, when in its discharging position, is located at least partially within the space that accommodates the products. Moreover, Applicants believed, and the Examiners agreed, that the claim language would be clearer if claim 1 and the dependent claims recited a discharge device that can assume a "discharging position" and an "inactive state" as opposed to an "active discharging position" and an "inactive discharging position," respectively. The amendments contained in this Amendment and Response are identical to those discussed, and to Applicants' understanding agreed-upon, during the May 10, 2005 interview.

II. Priority

The Action indicates that Applicants have not filed a certified copy of priority documents (1) Netherlands Application No. 1018541 filed on July 13, 2001 and (2)

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International Application No. PCT/NL02/00473 filed on July 15, 2002. Applicants respectfully request that the certified copies of Netherlands Application No. 1018541 and International Application No. PCT/NL02/00473 submitted to the U.S. Patent and Trademark Office in connection with International Application No. PCT/NL02/00473 be utilized as the priority documents for the subject application.

III. 35 U.S.C §112 Rejections

The Action rejects claim 22 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants' October 15, 2004 Amendment and Response to Office Action inadvertently omitted claim 22 from the complete claim listing. Claim 22 has been incorporated into the claim listing set forth herein, thereby overcoming the Action's rejection. Applicants respectfully request that the rejection be withdrawn.

IV. 35 U.S.C. §102 Rejections

The Action rejects claims 1-20, 22-25, 35-36 and 42-45 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,791,705 to Corominas. Applicants traverse this rejection and request that it be withdrawn. As explained above, claim 1 has been amended to recite that the discharge device, when in its discharging position, is located at least partially within the space that accommodates the products – a feature that is not taught in Corominas.

The treatment of products in the Corominas device takes place inside drum 10. After treatment, products are discharged from drum 10 by use of hydraulic cylinders which ultimately raise one end of the drum 10 so that it tilts toward the hood inlet 23. A door 14, which covers the opening of drum 10, opens to allow products to exit drum 10. In this way, the products are moved under at least the force of gravity through the hood inlet 23 and are discharged into a hopper 40.

The Action likens the treatment section of the instant invention to drum 10, the inside of which defines a space for accommodating products. The Action further likens the discharge device of the instant invention to elements 12-17, the rolling drum support

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means 12, arms 13, closing lid 14, frame 15, hydraulic cylinders 16 and fixed structure 17. In particular, the Action maintains that the door/lid 14 is inside the treatment section. However, as discussed during the interview, no part of the door/lid 14 of Corominas is at least partially within the space that accommodates the products (i.e., the inside of drum 10) when the lid 14 is opened to allow products to exit the drum 10 (i.e., is in its discharging position). Rather, door/lid 14, which is not even attached to drum 10, is entirely outside of the drum space when it is opened. *See* col. 2, lines 60-61 ("The door of the meat treatment drum is assembled on a support structure independent of the drum . . .").

Because Corominas fails to teach or suggest at least a discharge member which, when in its discharging position, is located at least partially within the space that accommodates the products, it fails to anticipate or render obvious amended claim 1. Applicants thus respectfully submit that amended claim 1 is allowable, as are claims 2-47 which depend from claim 1.

V. 35 U.S.C. §103 Rejections

A. Claim 21

The Action rejects claim 21 under 35 U.S.C. §103(a) as being unpatentable over Corominas as applied to claim 20. Applicants traverse this rejection and request that it be withdrawn. At least because claim 21 ultimately depends from allowable claim 1 (*see supra* Part IV), it too is allowable.

B. Claims 26-28

The Action rejects claims 26-28 under 35 U.S.C. §103(a) as being unpatentable over Corominas as applied to claim 19 and further in view of Horn. Applicants traverse this rejection and request that it be withdrawn. At least because claims 26-28 ultimately depend from allowable claim 1 (*see supra* Part IV), they too are allowable.

C. Claim 29

The Action rejects claim 29 under 35 U.S.C. §103(a) as being unpatentable over Corominas as modified by Horn as applied to claim 28, and further in

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view of Thirode. Applicants traverse this rejection and request that it be withdrawn. At least because claim 29 ultimately depends from allowable claim 1 (*see supra* Part IV), it too is allowable.

D. Claim 30

The Action rejects claim 30 under 35 U.S.C. §103(a) as being unpatentable over Corominas as applied to claim 1 and further in view of Palm. Applicants traverse this rejection and request that it be withdrawn. At least because claim 30 ultimately depends from allowable claim 1 (*see supra* Part IV), it too is allowable.

E. Claim 32

The Action rejects claim 32 under 35 U.S.C. §103(a) as being unpatentable over Corominas as applied to claim 1 and further in view of Hubbard. Applicants traverse this rejection and request that it be withdrawn. At least because claim 32 ultimately depends from allowable claim 1 (*see supra* Part IV), it too is allowable.

F. Claims 33-34, 37-38 and 46-47

The Action rejects claims 33-34, 37-38 and 46-47 under 35 U.S.C. §103(a) as being unpatentable over Corominas as applied to claim 1 and further in view of Petsche. Applicants traverse this rejection and request that it be withdrawn. At least because claims 33-34, 37-38 and 46-47 ultimately depend from allowable claim 1 (*see supra* Part IV), they too are allowable.

G. Claims 31 and 39-41

The Action rejects claims 31 and 39-41 under 35 U.S.C. §103(a) as being unpatentable over Corominas as applied to claim 1 and further in view of Gould. Applicants traverse this rejection and request that it be withdrawn. At least because claims 31 and 39-41 ultimately depend from allowable claim 1 (*see supra* Part IV), they too are allowable.

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V. Other Claim Amendments

The remaining claims currently amended in this Amendment and Response have been amended to use language consistent with that recited in claim 1 and/or merely to rephrase subject matter in a way that Applicants believe more clearly captures the invention. These amendments in no way have been made for reasons related to patentability.

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PETITION FOR EXTENSION OF TIME

Applicants petition the Commissioner for Patents for a two-month extension of time, through and including May 17, 2005, to respond to the Office Action mailed December 17, 2004. Enclosed is form PTO-2038 authorizing the Commissioner to charge Kilpatrick Stockton's American Express account in the amount of \$450 in payment of the requisite fee for a two month time extension.

The Commissioner is also authorized to charge any additional fee or credit any overpayment relating to this filing to Deposit Account No. 11-0855.

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CONCLUSION

Applicants respectfully submit that claims 1-47 are in condition for immediate allowance, and request early notification to that effect.

Respectfully submitted,



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